

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hyo-Juon Kim

Confirmation No.: 1247

Serial No.: 10/593,413

Group Art Unit: 1648

Filed: 9/29/08

Examiner: Bo Peng

For: ANTI-OBESE IMMUNOGENIC HYBRID POLYPEPTIDES AND ANTI-OBESE  
VACCINE COMPOSITION

Attorney Docket No.: 0220.00002

Mail Stop: Sequence  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUBMISSION OF SEQUENCE LISTING/STATEMENT

1. This replies to the Notice to Comply issued January 29, 2009.

  X   A copy of the communication is enclosed.

2. I, Kenneth I. Kohn, state the following:

3. Submitted herewith is/are:

  X   A. Sequence Listing(s) for the nucleotide and/or amino acid  
sequence(s).

Each sequence Listing is assigned a separate identifier.

  X   B. A copy of each Sequence Listing submitted for this  
application in computer readable form.

       C. Preliminary Amendment inserting the Sequence Listing into  
the application.

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CERTIFICATE OF ELECTRONIC FILING VIA EFS-WEB

Date of Electronic Filing: 2/13/09

I hereby certify that this correspondence is being electronically filed with  
the United States Patent & Trademark Office on the above date.

Terry Horst  
Terry Horst

**STATEMENT THAT SEQUENCE LISTING  
AND COMPUTER READABLE COPY ARE THE SAME**

I hereby state that each computer readable form submitted in this application is the same as the paper copy of the Sequence Listing to which it is indicated to relate.

I hereby state that all papers accompanying this submission, or for which a request for transfer from Applicants' other application, introduce no new matter.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC

A handwritten signature in black ink, appearing to read 'Kenneth I. Kohn', is written over a horizontal line.

Kenneth I. Kohn  
Registration No. 30,955  
Customer No.: 48924

Dated: 2/13/09



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
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APPLICATION NO. /CONTROL NO. 10593413	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION KIM, HYO-JOON	ATTORNEY DOCKET NO. 0220.00002
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EXAMINER BO PENG
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ART UNIT 1648	PAPER 20090123
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Web (<<http://www.uspto.gov/ebs/efs/downloads/documents.htm>>, EFS Submission User Manual - ePAVE)
2. Mailed to:  
Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 22313 1450  
Alexandria, VA 22313 1450
3. Hand Carry, Federal Express, United Parcel Service or other delivery service to:  
U.S. Patent and Trademark Office  
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Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication should be directed to Bo Peng at telephone number (571)272-5542. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campbell, can be reached on

/BO PENG/  
Examiner, Art Unit: 1648

<b>Notice to Comply</b>	<b>Application No.</b> 10/593,413	<b>Applicant(s)</b> Kim	
	<b>Examiner</b> Bo Peng, Ph.D.	<b>Art Unit</b> 1648	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.**
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-2510

For CRF Submission Help, call (571) 272-2501/2583.

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